


SO ORDERED.

SIGNED this 6 day of March, 2018.



  
Joseph N. Callaway  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION

IN RE:	)	
	)	
STANLEY SPIKES, JR., and	)	Case No. 17-05821-5-JNC
VERTIE PARKER SPIKES,	)	Chapter 13
	)	
Debtors.	)	

ORDER GRANTING RELIEF FROM STAY AND TURNOVER ORDER

This matter coming on before the United States Bankruptcy Court upon the *Motion for Relief from Stay and Turnover Order* of Hyundai Lease Titling Trust ("Petitioner"), whereupon the Court makes the following findings of fact:

1. Petitioner is a party in interest in this proceeding, being the title owner of a 2016 Hyundai Santa Fe Sport, VIN No. 5XYZU3LBXGG364649 ("Leased Vehicle").
2. Petitioner's interest arises under a Closed End Motor Vehicle Lease entered into by the Male Debtor on January 27, 2016.
3. Debtors filed for relief under Chapter 13 of the Bankruptcy Code on November 30, 2017. Debtors' proposed Chapter 13 Plan states that the Leased Vehicle will be surrendered.
4. At the time of the bankruptcy filing, the Male Debtor had defaulted on the lease payments due for September, 2017, October, 2017, and November, 2017, incurring

pre-petition arrears in the amount of \$1,923.48. Since the bankruptcy filing, the Male Debtor has defaulted on the lease payments due for December, 2017 and January, 2018, incurring post-petition arrears in the amount of \$1,282.32, with another payment in the amount of \$620.47 coming due on February 27, 2018.

5. The Male Debtor has no equity in the Leased Vehicle, and Petitioner is not adequately protected.

6. Petitioner requires relief from stay and a turnover order so that it may repossess and sell/re-lease the Leased Vehicle and establish its deficiency.

7. Good cause exists for granting Petitioner relief from stay and a turnover order.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The automatic stay is lifted as to the Leased Vehicle, a 2016 Hyundai Santa Fe Sport, VIN No. 5XYZU3LBXGG364649, and the Male Debtor is ordered to immediately deliver possession of the Leased Vehicle to Petitioner, so that Petitioner may sell/re-lease the Leased Vehicle and establish its deficiency.

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